

Introduced by Senator Cedillo

February 27, 2009

An act to amend Section 100.4 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 545, as introduced, Cedillo. Freeway construction.

Existing law authorizes the Department of Transportation to construct a freeway, without an agreement with a county or city, on the route determined by the California Transportation Commission, if specified requirements have been met, including that an agreement with one or more counties and cities is not possible because an impasse has existed for 10 or more years after an initial route was adopted.

This bill would change that requirement to specify that an agreement with one or more counties and cities is not possible because an impasse has existed for 20 or more years after an initial route was adopted.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 100.4 of the Streets and Highways Code
- 2 is amended to read:
- 3 100.4. Notwithstanding Section 100.2, the department may
- 4 construct a freeway, without an agreement with a county or city,
- 5 on the route determined by the commission, if all of the following
- 6 conditions have been met:
- 7 (a) The freeway is included within the California freeway and
- 8 expressway system and a route has been adopted.

1 (b) Construction has commenced, but has not been completed,
2 leaving an existing gap between the constructed portions of the
3 freeway.

4 (c) In addition to the adopted route, there is at least one feasible
5 alternative route as determined by the department.

6 (d) A draft environmental impact report or statement has been
7 prepared on the unconstructed portion of the freeway.

8 (e) The affected freeway segment is within the jurisdiction of
9 the Los Angeles County Metropolitan Transportation Authority.

10 (f) An agreement with one or more counties and cities pursuant
11 to Section 100.2 is not possible because an impasse, as evidenced
12 by the lack of freeway agreements by all affected jurisdictions,
13 has existed for ~~10~~ 20 or more years after an initial route was
14 adopted.

15 (g) Under the conditions set forth in subdivisions (a) to (f),
16 inclusive, the commission shall hold public hearings as it may
17 deem necessary, review the draft or final environmental impact
18 report or statement, and consider the recommendation and records
19 of the authority and other documents as it may deem advisable.
20 The commission shall take into consideration all the traditional
21 factors of route selection by the state, including the question of
22 least adverse economic and physical impact on the communities
23 involved, but any previous selection by the commission or its
24 predecessor shall not be considered binding.

25 (h) The environmental impact report or statement shall examine
26 the potential impacts of alternative route alignments on the
27 communities involved. The definition and scope of these
28 communities shall reflect the sense of community of residents
29 within and immediately adjacent to the adopted route and alternate
30 route location.

31 (i) The department shall prepare a draft environmental impact
32 report or statement. The commission may hold public hearings on
33 the draft environmental impact report or statement as it deems
34 necessary. The department shall prepare a final environmental
35 impact report or statement after the completion of the public review
36 period of the draft environmental impact report or statement. The
37 commission shall select a route after the completion of the
38 environmental impact report or statement.

39 (j) If the route selected by the commission differs from a prior
40 route adopted by the commission or a prior recommendation by

1 the authority, the commission shall set forth, as a part of its decision
2 statement, the reasons for the route selected.

3 (k) For any freeway constructed pursuant to this section, the
4 department shall establish an outreach program to maximize the
5 participation of businesses and professionals from within the county
6 in which the freeway segment is located in the construction of the
7 freeway segment.

8 (l) As used in this section, “authority” means the Los Angeles
9 County Metropolitan Transportation Authority, ~~or its predecessor,~~
10 ~~the Los Angeles County Transportation Commission.~~